

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: LEONARDO CORNEJO	}	CHAPTER 13
REYNOSO,	}	
	}	CASE NO. A09-91855-JB
DEBTOR.	}	
	}	JUDGE JOYCE BIHARY

MOTION FOR DISMISSAL PURSUANT
TO 11 USC SECTION 109(e) AND NOTICE OF HEARING

COMES NOW, MARY IDA TOWNSON, Chapter 13 Trustee in the above-styled case, and files herewith her Motion for Dismissal Pursuant to 109(e) and as grounds shows the Court the following:

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The above-styled Chapter 13 Petition was filed on December 1, 2009. The original 341 Meeting of Creditors was scheduled for January 15, 2010, at 10:00am. The Confirmation hearing is scheduled for February 9, 2010, at 1:00pm. A Notice Rescheduling Section 341 Meeting of Creditors and Confirmation Hearing was filed on January 13, 2010, with the meeting creditors now scheduled to take place on February 5, 2010, at 11:00am.

Mary Ida Townson, Chapter 13 Trustee
Suite 2700 - 100 Peachtree Street, N.W.
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The Debtor's plan proposes to cure a default on a real estate mortgage and to pay general unsecured creditors \$0.01 or 1.00% (one percent) dividend.

-3-

The Debtor's schedules show real estate with a fair market value of \$1,400,000.00 and a debt load of approximately \$1,651,646.80. The Debtor, at the time of filing, also scheduled approximately \$594,384.50 of unsecured debt. The non-governmental bar date is April 15, 2010.

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The eligibility debt limit for Chapter 13 for secured debts is \$1,010,650.00 and \$336,900.00 for unsecured debts. 11 USC Section 109(e). Since the Debtor's secured and unsecured debt totals exceed the debt limit for Chapter 13 relief, the instant case should be dismissed pursuant to 11 USC Section 109(e).

WHEREFORE, based on the foregoing, the Chapter 13 Trustee prays for an order dismissing this case pursuant to 11 U.S.C. Section 109(e) for cause as the Debtor is ineligible for Chapter 13 relief and such other and further

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relief as the court may deem just, necessary and proper.

Respectfully submitted,

/s

Sonya M. Buckley, Esq.
Mary Ida Townson
Standing Chapter 13 Trustee
GA Bar No. 140987

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**NOTICE OF HEARING ON MOTION FOR DISMISSAL PURSUANT
TO 11 USC SECTION 109(e)**

PLEASE TAKE NOTICE that MARY IDA TOWNSON has filed a Motion for Dismissal Pursuant to 109(e).

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the motion in **Courtroom 1402**, United States Courthouse, 75 Spring Street, Atlanta, Georgia at **1:00 P.M. on February 9, 2010.**

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including address) you served the response. Mail or deliver your response so that it is received by the Clerk at least two (2) business days before the hearing. The address of the Clerk's Office is **Clerk, United States Bankruptcy Court, Suite 1340, 75 Spring Street, S.W., Atlanta, GA 30303**, and a copy furnished to the party listed below: c/o Chapter 13 Trustee, Mary Ida Townson, Suite 2700, The Equitable Building, 100 Peachtree St., Atlanta, GA 30303.

/s
Sonya M. Buckley, Esq.
for the Chapter 13 Trustee
GA Bar No. 140987

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CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR(S):

Leonardo Cornejo Reynoso
2520 Sugarloaf Club Drive
Duluth, GA 30097

ATTORNEY FOR DEBTOR(S):

Stephen R. Lewis
1805 Herrington Road
Suite C, Bldg 3
Lawrenceville, GA 30043

the above in the foregoing matter with a copy of this
pleading by depositing same in the United States Mail in a
properly addressed envelope with adequate postage thereon.

This 20th day of January, 2010.

_____S/_____

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